

## REMARKS

The Office Action dated September 13, 2000 has been carefully reviewed. Claims 1-17 are pending in this patent application. By this amendment, claims 1, 7, and 13 have been amended. Reconsideration of this application, as amended, is respectfully requested.

### **35 U.S.C. § 103 (Novak/Lutz/Addy)**

Claims 1-3, 6-9, and 12-15 were rejected under 35 U.S.C. § 103 as being unpatentable over Novak (U.S. Patent No. 5,497,314) in view of Lutz (U.S. Patent No. 6,047,262) and Addy (U.S. Patent No. 5,965,861). Claims 1, 7, and 13 have been amended to more clearly define the invention. Reconsideration of claims 1-3, 6-9, and 12-15, as amended, is respectfully requested.

### Discussion Re: Patentability of Claim 1

#### *Claim 1*

Applicants' amended claim 1 reads as follows:

1. (amended) A method of operating a retail system which includes (i) a plurality of self-service checkout terminals, (ii) a first remote supervisor terminal, and (iii) a second remote supervisor terminal, comprising the steps of:

(a) operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of each of said plurality of self-service checkout terminals during a first period of time;

(b) maintaining said second remote supervisor terminal in an idle mode of operation such that said second remote supervisor terminal does not monitor operation of any of said plurality of self-service checkout terminals during said first period of time;

(c) operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of a first group of said plurality of self-service checkout terminals during a second period of time; and

(d) operating said second remote supervisor terminal such that said second remote supervisor terminal monitors operation of a second group of said plurality of self-service checkout terminals during said second period of time,

wherein said first group of said plurality of self-service checkout terminals is different from said second group of said plurality of self-service checkout terminals,

wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said first group of said plurality of self-service checkout terminals via audio, video, and data connection during step (c), and

wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said second group of said plurality of self-service checkout terminals via audio, video, and data connection during step (d).

A self-service checkout terminal is a system which is operated by a customer without the aid of a checkout clerk. In such a system, the customer scans individual items for purchase across a scanner and then places the scanned item into a grocery bag, if desired. The customer then pays for his or her purchase either at the self-service checkout terminal if so equipped, or at a central payment area such as a supervisor or payment terminal which is staffed by a store employee. Thus, a self-service checkout terminal permits a customer to select, itemize, and in some cases pay for his or her items for purchase without the assistance of the retailer's personnel.

However, in certain circumstances it is necessary for retail personnel to intervene in order to complete the customer's transaction during operation of the self-service checkout terminal. Such intervention is typically performed by a store employee such as a retail clerk or a customer service manager. Examples of situations which require intervention by the retail clerk or customer service manager include (1) collection of coupons, (2) acceptance of tendered checks, (3) handling of credit card verification exceptions, (4) itemization of items that

the customer is unable to scan or otherwise enter, and (5) itemization of difficult items such as the identification of exotic produce and the like.

In order to provide for such intervention, self-service checkout terminals have heretofore been designed to include a summoning device such as a tri-colored signal lamp which is utilized to notify or otherwise summon a retail clerk or customer service manager when it is necessary for a store employee to intervene in the customer's checkout transaction. Thereafter, a store employee approaches the self-service checkout terminal so as to respond to the customer's intervention request. This manner of providing intervention undesirably requires the store employee to move from terminal to terminal thereby potentially causing undesirable customer delays if several terminals require intervention within the same general time period.

Another approach which has been taken to providing such intervention is to utilize a store employee operating a remote terminal to provide the necessary intervention into the customer's transaction. In such a configuration, the store employee operating the remote terminal may, for example, approve credit and check payment transactions, enter the product identification code associated with an unscannable item, or identify an exotic produce item via use of a video system. However, use of remote terminals in the manner described above has a number of drawbacks associated therewith. For example, retail checkout systems which have heretofore been designed undesirably dedicate a single remote terminal to a fixed, predetermined number of self-service checkout terminals. For instance, as shown in FIG. 8 of Applicants' patent application, a

first remote terminal 110 is dedicated to servicing a first pair of self-service checkout terminals 112, 114, whereas a second remote terminal 210 is dedicated to servicing a second pair of self-service checkout terminals 212, 214. It should be appreciated that in regard to self-service retail checkout systems which have heretofore been designed, the remote terminal 110 could not be utilized to monitor the self-service checkout terminals 212, 214, whereas similarly, the remote monitoring station 210 could not be utilized to monitor the self-service checkout terminals 112, 114. Hence, assuming a given remote terminal is dedicated to a particular pair of self-service checkout terminals, a retail checkout system having eight self-service checkout terminals would be required to have four remote terminals. Moreover, if either one of a given pair of self-service checkout terminals (e.g. the self-service checkout terminal 114) is operational, the remote terminal associated therewith (e.g. the remote terminal 110) must be staffed by a store employee even if the other self-service checkout terminal of the pair (e.g. the self-service checkout terminal 112) is not operational thereby potentially increasing labor costs associated with the retailer's operation.

Applicants' invention of claim 1 provides flexibility in regard to the monitoring functions of the self-service checkout terminals by the remote supervisor terminals and thereby overcomes various drawbacks of the prior art.

*Proposed Combination of Novak, Lutz, and Addy Does Not Arrive at the Invention of Amended Claim 1*

Novak does not disclose a remote supervisor terminal having the characteristics recited in amended claim 1. Indeed, Novak's "additional electronic imaging cameras" (see Novak at col. 8, lines 13-18) are not configured to enable a store employee located at any of such additional electronic imaging cameras *to communicate with customers respectively located at each of said plurality of self-service checkout terminals via audio, video, and data connection* as required by Applicants' claim 1.

Further, Lutz does not disclose a remote supervisor terminal having the characteristics recited in amended claim 1. In particular, the "number of video cameras" of Lutz (see Lutz at col. 1, lines 60-63) are not configured to enable a store employee located at any of such number of video cameras *to communicate with customers respectively located at each of said plurality of self-service checkout terminals via audio, video, and data connection* as required by Applicants' claim 1.

Moreover, Addy does not disclose a remote supervisor terminal having the characteristics recited in amended claim 1. Addy's "processing unit 12 (see Addy at col. 1, lines 60-63) are not configured to enable a store employee located at such processing unit *to communicate with customers respectively located at each of said plurality of self-service checkout terminals via audio, video, and data connection* as required by Applicants' claim 1. The recited function of the processing unit 12, namely, "to supervise and provide security

monitoring of a checkout procedure as described further below” relates to electronically maintaining an event log, a suspicion log, and a maintenance log (see Lutz at col. 4, lines 59-65). In contrast, this so called *monitoring function* of Lutz does not relate to enabling a store employee located at a remote supervisor terminal to communicate with customers respectively located at each of a plurality of self-service checkout terminals via audio, video, and data connection as required by Applicants’ claim 1.

Since none of the systems of Novak, Lutz and Addy disclose a remote supervisor terminal which is configured to enable a store employee located at the remote supervisor terminal to communicate with customers respectively located at each of a plurality of self-service checkout terminals *via audio, video, and data connection*, the teachings of Novak, Lutz and Addy cannot be combined to arrive at a system which utilizes such a remote supervisor terminal in the manner recited in amended claim 1. Since Novak, Lutz and Addy cannot be combined to arrive at the invention of amended claim 1, such claim is believed to be allowable over Novak, Lutz and Addy.

#### Discussion Re: Patentability of Claims 2-3 and 6

Each of claims 2-3 and 6 depends directly from amended claim 1. As a result, each of claims 2-3 and 6 is allowable for the reasons hereinbefore discussed with regard to amended claim 1.

### Discussion re: Patentability of Claim 7

Amended claim 7 recites the following limitations:

wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said first group of self-service checkout terminals via audio, video, and data connection during step (a),

wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said second group of self-service checkout terminals via audio, video, and data connection during step (b),

wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said second group of self-service checkout terminals via audio, video, and data connection during step (c)

wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said first group of self-service checkout terminals via audio, video, and data connection during step (d).

The discussion in regard to the patentability of amended claim 1 is relevant to the patentability of amended claim 7. Again, none of the systems of Novak, Lutz, and Addy disclose a remote supervisor terminal which is configured to enable a store employee located at the remote supervisor terminal to communicate with customers respectively located at each of a group of self-service checkout terminals via audio, video, and data connection. Consequently, Applicants' invention of amended claim 7 is not unpatentable over a combination of Novak, Lutz, and Addy.

### Discussion Re: Patentability of Claims 8-9 and 12

Each of claims 8-9 and 12 depends directly or indirectly from amended claim 7. As a result, each of claims 8-9 and 12 is allowable for the reasons hereinbefore discussed with regard to amended claim 7.

### Discussion re: Patentability of Claim 13

Amended claim 13 recites the following limitations:

a first remote supervisor terminal electrically coupled via audio, video and data connection to each of said plurality of self-service checkout terminals so as to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said plurality of self-service checkout terminals via said audio, video, and data connection; and

a second remote supervisor terminal electrically coupled via audio, video and data connection to each of said plurality of self-service checkout terminals so as to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said plurality of self-service checkout terminals via said audio, video, and data connection.

The discussion in regard to the patentability of amended claim 1 is relevant to the patentability of amended claim 13. Indeed, none of the systems of Novak, Lutz, and Addy disclose a remote supervisor terminal which is configured to enable a store employee located at the remote supervisor terminal to communicate with customers respectively located at each of a group of self-service checkout terminals via audio, video, and data connection. Applicants' invention of amended claim 7 is therefore not unpatentable over a combination of Novak, Lutz, and Addy.

### Discussion Re: Patentability of Claims 14 and 15

Each of claims 14 and 15 depends directly from amended claim 13. As a result, each of claims 14 and 15 is allowable for the reasons hereinbefore discussed with regard to amended claim 7.



### **35 U.S.C. § 103 (Novak/Lutz)**

Claims 4, 5, 10, 11, 16, and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over Novak (U.S. Patent No. 5,497,314) in view of Lutz (U.S. Patent No. 6,047,262). Reconsideration of claims 4, 5, 10, 11, 16, and 17 is respectfully requested.

#### **Discussion Re: Patentability of Claims 4-5**

Each of claims 4-5 depends directly from claim 1. As a result, each of claims 4-5 is allowable for the reasons hereinbefore discussed with regard to amended claim 1.

#### **Discussion Re: Patentability of Claims 10-11**

Each of claims 10-11 depends directly or indirectly from amended claim 7. As a result, each of claims 10-11 is allowable for the reasons hereinbefore discussed with regard to amended claim 7.

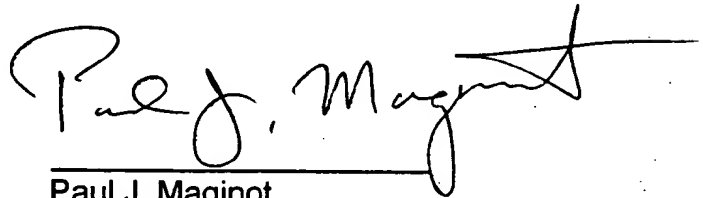
#### **Discussion Re: Patentability of Claims 16-17**

Each of claims 16-17 depends directly from amended claim 13. As a result, each of claims 15-16 is allowable for the reasons hereinbefore discussed with regard to amended claim 13.

## Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Paul J. Maginot". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

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